THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.865 OF 2007

DATED 30.04.2007

BETWEEN

Smt Salima Begum

… Petitioner

AND

The Revenue Secretary, Revenue Department, Secretariat, Hyderabad and others.

… Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.865 OF 2007

ORDER:

The case of the petitioner is that her paternal uncle is an

ex-serviceman, that he was allotted land admeasuring Acs.10.00 by Jawaharnagar Cooperative Land Colonization Society and that he was enjoying the property till his death. She also alleges that on 05.04.2005, her uncle died and during his lifetime, he executed a notarized gift deed in her favour gifting away the land assigned to him. The petitioner approached respondents 1 to 4 for issue of pattadar pass books, in vain. Therefore, the present writ petition is filed seeking a directions to respondents 1 to 4 to issue pattadar pass books and title deeds in respect of land admeasuring Acs.10.00 in survey Nos.183 and 180 situated at Jawaharnagar, Malkaram, Shamirpet Mandal, Ranga Reddy District.

Learned Assistant Government Pleader for Revenue opposed the writ petition. He points out that admittedly the petitioner got the property under an unregistered gift deed and therefore, she cannot claim any right as gift deed is a document, which is compulsorily registerable. Secondly, he submits that the petitioner's uncle was never allotted the land and she is not in possession.

Learned counsel for petitioner placed reliance on the Judgment of this Court in W.P.No.3912 of 1992 and batch, dated 25.03.2004, in support of the contention that all the respondents are bound to consider the request of petitioner as her uncle was the allottee. Whether the petitioner's uncle was allottee of the land by Government or Jawaharnagar Cooperative Land Colonization Society, and whether the petitioner is in possession of the land and whether she is entitled for pattadar pass books by reason of the unregistered gift deed are the matters, at the first instance, to be enquired into by the Mandal Revenue Officer (Tahsildar), Shamirpet. Therefore, without expressing any opinion on the merits of the case, this Court observes that fourth respondent may consider the representation of the petitioner for issue of pattadar pass book and title deed and pass necessary orders within a period of eight (8) weeks from the date of receipt of copy of this order. Liberty is given to the petitioner to submit another representation to Tahsildar, Shamirpet, giving all the details and also filing of application in Form VI under Rule 18(2) of A.P.Rights in Land and Pattadar Pass Books Rules, 1989.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

30.04.2007.
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